

FOR PUBLIC COMMENT

RULE 4:03.—

PERIODIC ASSESSMENT OF ATTORNEYS

~~(1)~~ (1)

Every attorney required to register in accordance with Rule 4:02, other than a retired attorney, sitting judge, clerk= magistrate as defined in Canon 1 of Supreme Judicial Court Rule 3:12, Federal clerk of court, chief deputy clerk and deputy clerk, or suspended attorney, shall pay an annual fee as established by the court from time to time, which shall be paid to the Board with the registration statement required under Rule 4:02.= The fee so paid subject to any applicable orders of this court shall be used to defray the costs of attorney registration and disciplinary enforcement, to provide funds for the operation of the Clients' Security Board and Fund established under Rule 4:04, to provide funds for the operation of the Massachusetts lawyers assistance programs provided by Lawyers Concerned for Lawyers, Inc. (LCL), and for such other purposes as the Board, with the approval of the court, from time to time shall determine.

(2) The registration statement required under Rule 4:02 shall provide for an additional annual fee of \$50, or such amount as established by the court from time to time, for use in the administration of justice and provision of civil legal services to those who cannot afford them. The registration statement shall further provide that any attorney who does not wish to pay the additional fee under this subsection shall so indicate and shall not be required to make the payment. An attorney's decision as to whether to pay this additional fee shall be confidential.

The Board shall remit, at least quarterly, to the IOLTA Committee the fees collected under this subsection, which shall disburse the fees in the same manner as other IOLTA funds are disbursed in accordance with Rule 1.15(g) (4) and (5) of Rule 3:07, Supreme Judicial Court Rules of Professional Conduct. The Massachusetts

Legal Assistance Corporation and other designated charitable entities receiving these funds shall describe their distribution of these funds in the annual report required under Rule 1.15(g)(6) of Rule 3:07.

(~~2~~3) To any attorney who, without permission from the Board, fails to pay the fee required under subsection (1) above within thirty days, the Board shall mail a letter by first~~-~~class mail to the addresses furnished on the last registration statement filed as required by Rule 4:02, notifying the attorney of his or her failure to pay the required fee and that, if within fifteen days from the date of the mailing of the letter the attorney shall fail to pay the fee, there shall be added to the fee a late assessment of fifty dollars. If within forty five days from the date of the mailing of the letter, he or she shall fail to pay the fee, the Board shall mail a certified or registered letter to the last known business address and a letter by first~~-~~class mail to the last known residential address, notifying the attorney of his or her failure to pay, and shall file a petition for the attorney's suspension with the Clerk of this court for Suffolk County.

(~~3~~4) Any attorney suspended under the provisions of subsection (~~2~~3) above shall become subject to the provisions of Rule 4:01, Section 17(4), upon entry of the suspension order, and if not reinstated within thirty days after entry shall become subject to the other provisions of said Section 17. As a condition precedent to reinstatement, such attorney shall file with the Board an affidavit stating the extent to which he or she has complied with applicable provisions of Rule 4:01, Section 17, and shall pay all arrears due from the date of the last payment to the date of his or her request for reinstatement, including the late assessment of fifty dollars required under subsection (2) above, and shall also pay to the Board a penalty of one hundred dollars.